



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

August 3, 2020

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Guy H. Wilcox, MD

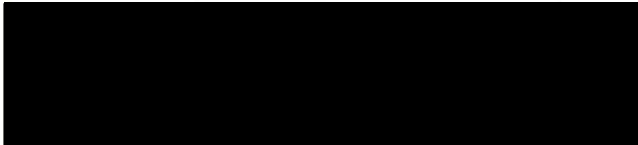

Re: License No. 131403

Dear Dr. Wilcox:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 20-197. This order and any penalty provided therein goes into effect August 10, 2020.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,


Michael S. Jakubowski, M.D.
Interim Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Saunders Kahler LLP
Merritt S. Locke, Esq.
185 Genesee St.
St # 1400
Utica Ny 13501

**IN THE MATTER
OF
GUY H. WILCOX, M.D.**

**MODIFICATION
ORDER**

Upon the proposed Application for a Modification Order of Guy H. Wilcox, M.D. (Respondent), which is made a part of this Modification Order, it is agreed to and


ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 7/31/2020


THOMAS T. LEE, M.D.
Interim Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

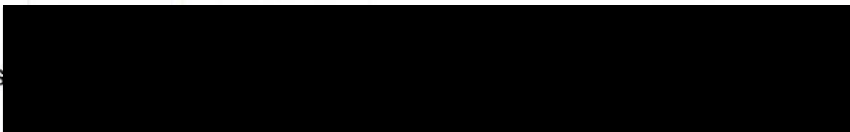
**IN THE MATTER
OF
GUY H. WILCOX, M.D.**

**MODIFICATION
AGREEMENT
AND
ORDER**

Guy H. Wilcox, M.D., represents that all of the following statements are true:

That on or about July 7, 1977 I was licensed to practice as a physician in the State of New York, and issued License No. 131403 by the New York State Education Department.

My current address is



and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to BPMC Order # BPMC 99-259 (Attachment I) (henceforth "Original Order"), which was issued upon an Application for Consent Order signed by me on August 25, 1999, (henceforth Original Application"), adopted by the Original Order. I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

The sanction imposed in the Original Order was:

- Censure and Reprimand; and

- Pursuant to N.Y. Pub. Health Law § 230-a(3), Respondent's license to practice medicine in New York State shall be limited to prohibit supervision by Respondent of physician assistants.

The sanction imposed shall be modified to read as follows:

- Pursuant to N.Y. Pub. Health Law § 230-a(6), Respondent shall be subject to a limitation precluding registration or issuance of any further license;
- That Respondent shall be precluded from practicing medicine in New York State, from practicing in any setting where his practice is based solely on his New York license, and from further reliance upon Respondent's New York license to practice medicine to exempt Respondent from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State;
- That if Respondent is currently registered to practice medicine in New York State, Respondent shall, within 30 days of the issuance of the Modification Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," shall provide proof of such notification to the Director of OPMC immediately upon having done so, and shall not reactivate or reregister the license at any time;
- This Modification Order shall strike the Condition in the Original Order requiring Respondent to maintain active registration of Respondent's license with the New

York State Education Department, Division of Licensing Services, to pay all registration fees; and

- That Respondent shall comply with all the conditions set forth in Attachment II ("Requirements for Closing a Medical Practice following An Agreement to Never Practice/Never Register")

and

All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 7-3-20



GUY H. WILCOX, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Modification Agreement and to its proposed penalty, terms and conditions.

DATE: 7/7/2020



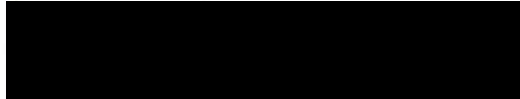
ESQ. Merritt S. Locke, Esq.
Attorney for Respondent

DATE: 7/29/2020



COURTNEY BERRY
Associate Counsel
Bureau of Professional Medical Conduct

DATE: July 31, 2020



PAULA M. BREEN
Director
Office of Professional Medical Conduct

EXHIBIT "B"

Requirements for Closing a Medical Practice (Following Agreement to Never Register/Never Practice)

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his/her DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Licensee shall destroy all prescription pads bearing Licensee's name. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law §

230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Anne F. Saile, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

October 18, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Guy H. Wilcox, M.D.



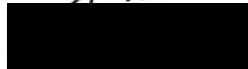
RE: License No.: 131403

Dear Dr. Wilcox:

Enclosed please find Order #BPMC 99-259 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 18, 1999.**

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert F. Julian, Esq.
Julian & Pertz, P.C.
1629 Oneida Street
Utica, NY 13501-4700

Kevin C. Roe, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
GUY H. WILCOX, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-259

GUY H. WILCOX, M.D., (Respondent) says:

That on or about July 7, 1977, I was licensed to practice medicine in the State of New York, having been issued license number 131403 by the New York State Education Department.

My current address is 9790 Mallory Road, New Hartford, New York 13413.

I understand that the New York State Board for Professional Medical Conduct has charged me with nineteen specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the nineteenth specification of the Statement of Charges in full satisfaction of the charges against me.

I agree to the following penalty:

My license to practice medicine shall be limited to prohibit supervision by me of physician assistants and I shall be censured and reprimanded.

Respondent shall maintain current registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of his compliance with the terms of this order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.

I stipulate that any failure by me to comply with the limitation of my license shall constitute misconduct as defined by New York State Education Law §6530(29). I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted

into evidence in that proceeding.

I make this application to the State Board for Professional Medical Conduct (the Board)- and request that it be granted.

I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the order, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

DATED: 8-25-99


GUY H. WILCOX, M.D.

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9/10/99



ROBERT F. JULIAN, ESQ.
Attorney for Respondent

DATE: 10/4/99



KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: October 8, 1999



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
GUY H. WILCOX, M.D.

CONSENT
ORDER

Upon the proposed agreement of GUY H. WILCOX, M.D.,
(Respondent) for Consent Order, which application is made a
part hereof, it is agreed to and

ORDERED, that the application and the provisions
thereof are hereby adopted, and it is further

ORDERED, that this order shall be effective upon
issuance by the Board, which may be accomplished by mailing,
by first class mail, a copy of the Consent Order to
Respondent at the address set forth in this agreement or to
Respondent's attorney by certified mail, or upon
transmission via facsimile to Respondent or Respondent's
attorney, whichever is earliest.

SO ORDERED.

DATED: 10/13/99



WILLIAM P. DILLON, M.D.
Chair
State Board for
Professional Medical
Conduct

Exhibit A

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER -: STATEMENT
 OF : OF
 GUY HARTLEY WILCOX, M.D. : CHARGES

-----X

GUY HARTLEY WILCOX, M.D., the Respondent, was licensed to practice medicine in New York State on July 7, 1977, by the issuance of license number 131403 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached appendix) at the Winfield Medical Center in West Winfield, New York, from on or about March 22, 1995 to on or about April 10, 1995. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform and/or document an adequate physical examination.
2. Respondent failed to order appropriate laboratory studies, including but not limited to a sepsis workup, a complete blood count with differential, blood culture and sensitivity testing, urinalysis, urine culture, chest x-ray and spinal tap.
3. Respondent failed to adequately supervise his

physician's assistant.

4. Respondent failed to refer the patient to an appropriate specialist.
5. Respondent failed to hospitalize Patient A and/or refer him to the Emergency Department.

B. Respondent treated Patient B at the Winfield Medical Center in West Winfield, New York from on or about ^{October 1993 GHW} ~~1992~~ to on or about December 12, 1995. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to order appropriate laboratory testing, including but not limited to a urine cultures and repeat urinalysis.
2. Respondent failed to adequately supervise his physician's assistant.
3. Respondent failed to refer the patient to a gynecologist.
4. Respondent failed to order and/or obtain a repeat PAP smear.

C. Respondent treated Patient C at the Winfield Medical Center in West Winfield, New York, from on or about ^{October 1993 GHW} ~~1992~~ to on or about October 11, 1995. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care in that:

1. Respondent failed to order serial beta-human chorionic gonadotropin blood tests.
2. Respondent failed to adequately supervise his physician's assistant.
3. Respondent failed to refer the patient to an Ob/Gyn.
4. Respondent failed to prescribe the lowest effective dose of estrogen contraceptives.

D. Respondent treated Patient D at the Winfield Medical Center from on or about ^{Oct 1993} ~~1992~~ to on or about February 8, 1996. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to adequately supervise his physician's assistant.
2. Respondent failed to refer Patient D to an appropriate specialist for a coloscopy in a timely manner.

E. Respondent treated Patient E at the Winfield Medical Center from on or about November 6, 1995 to on or about January 8, 1996. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to order appropriate blood testing,

urinalysis and an EKG.

4. Respondent failed to adequately supervise his physician's assistant.

F. Respondent treated Patient F at the Winfield Medical Center from on or about ^{Oct. 1993} ~~1992~~ ^{Oct} to on or about July 14, 1995. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or record an adequate physical examination.
3. Respondent failed to order cervical cultures and wet mounts.
4. Respondent failed to sufficiently investigate the cause for the patient having two abnormal PAP smears in succession, and otherwise failed to adequately follow up on the abnormal PAP smears.
5. Respondent failed to adequately supervise his physician's assistant.
6. Respondent failed to refer Patient F to an Ob/Gyn.
7. Respondent failed to order HDL and LDL cholesterol testing prior to prescribing oral contraceptives.

G. Respondent treated Patient G at the Winfield Medical Center from on or about ^{Oct. 1993} ~~1992~~ ^{Oct} to on or about February 6, 1996. Respondent's care and treatment of Patient G failed to meet

acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or record an adequate physical examination.
3. Respondent failed to order a PAP smear and cervical cultures.
4. Respondent failed to adequately supervise his physician's assistant.

SPECIFICATIONS

FIRST THROUGH SEVENTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of New York Education Law §6530(4) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5.
2. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
3. The facts in Paragraphs C and C.1, C.2, C.3, and/or C.4.

4. The facts in Paragraphs D and D.1 and/or D.2.
5. The facts in Paragraphs E and E.1, E.2, E.3, and/or E.4.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, F.6, and/or F.7.
7. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

EIGHTH THROUGH SIXTEENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) in that, Petitioner charges:

10. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5.
11. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
12. The facts in Paragraphs C and C.1, C.2, C.3, and/or C.4.
13. The facts in Paragraphs D and D.1 and/or D.2.
14. The facts in Paragraphs E and E.1, E.2, E.3, and/or E.4.
15. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, F.6, and/or F.7.
16. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

SEVENTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one

occasion in violation of New York Education Law §6530(3) in that, Petitioner charges two or more of the following:

17. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5; B and B.1, B.2, B.3, B.5; C and C.1, C.2, C.3, C.4; D and D.1, D.2; E and E.1, E.2, E.3, E.4; F and F.1, F.2, F.3, F.4, F.5, F.6, F.7; G and G.1, G.2, G.3, G.4.

EIGHTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) in that, Petitioner charges two or more of the following:

18. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5; B and B.1, B.2, B.3, B.5; C and C.1, C.2, C.3, C.4; D and D.1, D.2; E and E.1, E.2, E.3, E.4; F and F.1, F.2, F.3, F.4, F.5, F.6, F.7; G and G.1, G.2, G.3, G.4.


NINETEENTH SPECIFICATION

FAILURE TO SUPERVISE

Respondent is charged with failing to exercise appropriate supervision over persons authorized ^{CHW} to practise only under his supervision in violation of New York Education Law §6530(33) in that, Petitioner charges two or more of the following:

19. The facts in Paragraphs A and A.3; B and B.2; C and C.2; D and D.1; E and E.4; F and F.5; and/or G and G.4.

DATED: *September 17*, 1999
Albany, New York



PETER D. VANBUREN
Deputy Counsel
Bureau of Professional
Medical Conduct